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HIGH COURT OF CHHATTISGARH AT BILASPUR
W. P. (C) No. 1786 of 2007

Petitioner		Shiv Kumar Singh, S/o Shri Mata Baksh Singh, Aged about 50 years, R/o Shiv Travels, Bilaspur (C.G.)
	Versus	
Respondents	1.	State Transport Appellate Tribunal, Raipur (C.G.)
	2.	Regional Transport Authority, Chhattisgarh at Raipur (C.G.)
	3.	Sudhir Singh, S/o Mata Prasad Singh, Imlipara, Bilaspur (C.G.)
	4.	State of Chhattisgarh, through Secretary, Department of Transport, D.K.S. Bhawan, Raipur (C.G.)

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri B. K. Rawat, Advocate for the petitioner.

Shri Ajay Shrivastava, Advocate for the respondent No.3.

Shri Utkarsh Verma, Deputy Government Advocate for the respondent No.4.

ORDER

(Passed on this 29th day of March, 2007)

1. Learned counsel appearing for the petitioner, submits that the State Transport Appellate Tribunal (STAT), while considering the appeal filed by he respondent No.3, vide impugned order dated 13.2.2007, in Appeal No. 1/2007, held that the regular stage carriage permit on the route 'Bilaspur to Chirmiri' i.e. the subject matter, was granted without hearing all the concerned parties.
2. In view of that the S.T.A.T. remitted back the matter to the Regional Transport Authority (RTA), Raipur after passing a direction that the regular permit be issued to the respondent No.3. It appears that the S.T.A.T. itself has decided the case and remitting back the matter to the R.T.A. is a mere formality for granting regular permit, as the same cannot be done by the S.T.A.T.

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3. Learned counsel appearing for the petitioner submits that the ends of justice would be sub served if the R.T.A. is directed to consider the application of the respondent No.3 in accordance with law, ignoring the direction of the S.T.A.T. for grant of regular stage carriage permit. The submission of the petitioner is just and proper and merits acceptance.

4. Shri Utkarsh Verma, learned counsel appearing for the respondent No.4 agrees with the submission made by learned counsel for the petitioner.

5. In view of the above, the petition is allowed to the extent that the observations and directions made by the S.T.A.T. for deciding the application and granting regular stage carriage permit is set aside. It is directed that the application of the respondent No.3 shall be considered on its own merits, in accordance with law, within a period of two weks from the date of receipt of a copy of this order.

Sd/-
Satish K. Agnihotri
Judge

Thakur